

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 21-46901

BACK TO LIFE PROPERTIES, INC.,

Chapter 11

Debtor.

Judge Thomas J. Tucker

**ORDER DISMISSING THIS CASE**

The Debtor in this subchapter V Chapter 11 case has not filed a plan, which was due to be filed no later than November 22, 2021. Nor has Debtor filed a motion to extend the November 22, 2021 deadline, either by the October 22, 2021 deadline for such a motion, or otherwise. *See* Order Establishing Deadlines and Procedures, [etc.], filed September 8, 2021 (Docket # 23, the “Scheduling Order”) at ¶¶ 1(d), 1(k), and 2; 11 U.S.C. § 1189(b).

The Scheduling Order states, in ¶ 2, that if the Debtor fails to meet the deadline for filing a plan, “the case may be dismissed or converted to chapter 7 under 11 U.S.C. § 1112(b)(4).” *See* 11 U.S.C. § 1112(b)(4)(J); *see also In re Tax Shop, Inc.*, 173 B.R. 605, 607 n.3 (Bankr. E.D. Mich. 1994) (“The Court’s authority to dismiss a Chapter 11 case *sua sponte* in appropriate circumstances is clear under 11 U.S.C. § 105(a), which grants bankruptcy judges the broad authority to take action ‘necessary or appropriate ... to prevent an abuse of process.’”); *In re Nikron, Inc.*, 27 B.R. 773, 777 (Bankr. E.D. Mich. 1983) (holding that “a [bankruptcy] court has the *sua sponte* power to convert or dismiss a chapter 11 case”) (relying on the court’s “inherent power and duty to control its docket, to preserve its integrity, and to insure that the legislation administered by the court will accomplish the legislative purpose”); *In re Great American Pyramid Joint Venture*, 144 B.R. 780, 789 (Bankr. W.D. Tenn. 1992) (“[A] bankruptcy judge may, under section 105(a), as amended, convert or dismiss a case *sua sponte* even though section 1112(b) explicitly requires that the request be made by a party in interest.”)

The Court concludes that dismissal of this case, rather than conversion to Chapter 7, is in the best interests of creditors and the estate.

IT IS ORDERED that under 11 U.S.C. §§ 105(a), 1112(b)(1), and 1112(b)(4)(J), this Chapter 11 case is dismissed.

**Signed on November 23, 2021**



/s/ Thomas J. Tucker

Thomas J. Tucker  
United States Bankruptcy Judge